

#3

Patent  
Attorney's Docket No. 022650-685

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Richard DEROSE et al. ) Group Art Unit: 1638  
Application Serial No.: 10/023,839 ) Examiner: O. Zaghmout  
Filed: December 21, 2001 )  
For: ISOLATED DNA SEQUENCE )  
CAPABLE OF SERVING AS )  
REGULATORY ELEMENT IN A )  
CHIMERIC GENE WHICH CAN BE )  
USED FOR THE TRANSFORMATION )  
OF PLANTS )

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REQUEST TO USE COMPUTER READABLE FORM FROM PARENT  
APPLICATION PURSUANT TO 37 C.F.R. § 1.821(e)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The computer readable form in the above-identified application is identical with the computer readable form filed on January 28, 2000 in parent application Serial No. 09/000,062. In accordance with 37 C.F.R. §1.821(e), Applicants respectfully request that the computer readable form filed in parent application Serial No. 09/000,062 be used as the computer readable form for the instant application. It is understood that the United States Patent and Trademark Office will make the necessary changes in application number and filing date for the computer readable form that will be used for the instant application. A

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paper copy of the Sequence Listing was included with the Preliminary Amendment filed on December 21, 2001 for incorporation into the specification.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Nicole E. Kinsey  
Nicole E. Kinsey  
Registration No. 50,723

Post Office Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: April 4, 2002



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	BOX: SEQUENCE
	)	
Richard DEROSE et al.	)	
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Application Serial No.: 10/023,839	)	Group Art Unit: 1638
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Filed: December 21, 2001	)	Examiner: O. Zaghmout
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For: ISOLATED DNA SEQUENCE	)	
CAPABLE OF SERVING AS	)	
REGULATORY ELEMENT IN A	)	
CHIMERIC GENE WHICH CAN BE	)	
USED FOR THE TRANSFORMATION	)	
OF PLANTS	)	

DECLARATION PURSUANT TO  
37 C.F.R. §§ 1.821-825

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Nicole E. Kinsey, declare as follows:

1. That the content of the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted in parent Patent Application Serial No. 09/000,062 in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same in compliance with 37 C.F.R. §§ 1.821(f).
2. That the submission, filed in accordance with 37 C.F.R. §§ 1.821(g)[or (h)] & 1.825(a), herein does not include new matter [or go beyond the disclosure in the international application].

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Declaration Pursuant to 37 C.F.R. §§ 1.821-.825

Application Serial No. 10/023,839

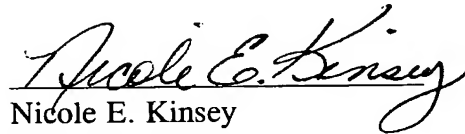
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I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued.

April 4, 2002

Date



Nicole E. Kinsey

Reg. No. 50,723